## REMARKS

In response to the Official Action of September 25, 2009, the original Sequence Listing has been carefully reviewed in an effort to correct any apparent discrepancies in view of the sequence disclosures in the specification. Accordingly, the following sequences have been revised in the electronic and paper versions of the sequence listing in order to conform more accurately with the specification: SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:24, SEQ ID NO:25, SEQ ID NO:26, SEQ ID NO:27, SEQ ID NO:28, SEQ ID NO:29, SEQ ID NO:33, SEQ ID NO:34, SEQ ID NO:35, SEQ ID NO:36, SEQ ID NO:37, SEQ ID NO:39, SEQ ID NO:41, SEQ ID NO:42, SEQ ID NO:55, SEQ ID NO:56, SEQ ID NO:60 and SEQ ID NO:61. Since these revisions are based entirely on the specification, no new matter has been added as a result of the revisions. A paper copy of the entire new sequence listing, together with a computer readable disc, are enclosed with this Amendment.

In the Official Action of September 25, 2009, claims 1-11 were rejected under 35 U.S.C., second paragraph, for being indefinite by failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner states that the use of "laboratory designations" for antibodies is indefinite absent a deposit. In addition, the Examiner has also objected to the phrase "hybridizing under stringent conditions" and the use of expressions such as "80/85/90 % identical". Finally, the Examiner states that claim 5 is indefinite since SEQ ID NO:4 appears to be incorrect.

In response, applicant has corrected SEQ ID NO:4 in the sequence listing to conform to the claimed sequence. In addition, the claim recitation regarding the numerical values for percentage sequence identities has also been deleted without prejudice with respect to the broad scope of embodiments encompassed by the claims and equivalents thereof. The phrase "hybridizing under stringent conditions" has been modified to recite "high" stringent conditions. The claimed stringent conditions are described in the specification in paragraph [0130] of the published application. See, also, *Current Protocols in Molecular Biology*, John Wiley & Sons (1989).

In view of the foregoing claim amendments, applicant believes that a deposit of the cell line is not required for enablement of the invention. A clean copy of the amended

claims, including the applicable claim amendments, is enclosed as a separate paper for the Examiner's convenience.

Claims 1-11 also stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement.

The Examiner states that applicant is not in possession of the broad scope of the invention as defined by the original claims. The Examiner acknowledges, however, that applicant is in possession of an anti-activated LFA-1 antibody comprising VH and/or VL of SEQ ID NOS: 33/34, 36/35, 38/37 or 60/61; or an anti-activated LFA-1 antibody comprising VH CDR1-3 of SEQ ID NOS:1-3 and VL CDR1-3 of SEQ ID NOS: 7-9, or an anti-activated LFA-1 antibody D2-57, DX-2001, C1-54 or P1-G10.

In response, the claims have now been amended in order to claim more specific embodiments of the invention as described with more particularity in the present Sequence Listing. In view of these amendments, the claims are now believed to be in full compliance with the written description requirement, and to otherwise overcome this rejection.

Claims 1-11 have been rejected under 35 U.S.C. 112, first paragraph, for failing to enable the full scope of the invention encompassed by the original claims. This ground of rejection is traversed.

The Examiner's rational in rejecting the original claims as lacking enablement mirrors the rejection for a lack of written description. As stated above, the claims have now been amended in order to specify with greater particularity the scope of the invention. Applicant submits that the amended claims now fully comply with the enablement requirement.

Claims 1, 3, 4 and 6-11 have been rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/23761 A1 (the '761 publication). This ground of rejection is respectfully traversed.

The Examiner states that the '761 publication discloses humanized anti-CD11a antibodies (LFA-1, CD11a/CD18) which bind specifically to human CD11a I-domain. The Examiner further states that the respective CDR1, CDR2 and CDR3 domains of the antibodies of the reference contain groups of amino acids corresponding to those originally claimed by applicant. In particular, the Examiner lists SEQ ID NOS: 11, 13, 14

and 15 of the reference as containing amino acids corresponding to those of applicant's original claim 1. Initially, applicant notes that the present claims have been amended and no longer correspond to the amino acid sequences described in the Office Action. Moreover, applicant has noted that the references sequences listed by the Examiner would appear to be incorrect. The correct sequences from the reference are listed below for comparison:

SEQ ID NO:11 - Met Ile His Pro Ser Asp Ser Glu Thr Arg Tyr Asn Gln Lys Phe Lys Asp (MIHPSDSETRYNQKFKD)

SEQ ID NO:13 - Arg Ala Ser Lys Thr Ile Ser Lys Tyr Leu Ala (RASKTISKYLA)

SEQ ID NO:14 - Ser Gly Ser Thr Leu Gln Ser (SGSTLQS)

SEQ ID NO:15 - Gln Gln His Asn Glu Tyr Pro Leu Thr (QQHNEYPLT)

It is noted that these sequences do not contain the string of adjacent amino acids noted in the Office Action. In any event, applicant submits that there is no basis for rejecting the present claims in view of the '761 publication.

Claims 1 and 6-11 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Published Application No. 2002/0123614 A1 (the '614 reference). This ground of rejection is respectfully traversed.

The Examiner states that the '614 reference teaches an anti-LFA-1 antibody, or an antigen binding fragment thereof, which selectively binds to an LFA-1 domain in the open conformation with high affinity.

Applicant has reviewed the '614 reference, and respectfully believes that there is no evidence that the antibodies described in the reference contain the specific heavy chain and light chain variable domains required in the present claims. Any conclusion that the antibodies are equivalent can only be based on speculation without concrete evidence to support such a conclusion. The burden is on the USPTO in the first instance regarding equivalency, and applicant should not be required to prove a negative, i.e. that the present claims do not cover the antibodies of the reference. This conclusion is also supported by the observation that the present claims now exclude numerous antibodies which may or may not be described in the reference.

In view of the aforementioned facts and reasons, the present application is now believed to overcome the remaining rejections, and to be in proper condition for allowance. Accordingly, reconsideration of the rejections, and allowance of the pending claims of this application are respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below if this would be useful to advance the prosecution of this application.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.10:

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail Post Office to Addressee service, Label No. EH 505496758 US, in an envelope addressed to:, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of December, 2009.

Cynthia Joseph
Name

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Signature